From: Alan
To: Microsoft ATR
Date: 1/24/02 10:04am
Subject: Microsoft Settlement

I am a software engineer with more than 20 years experience in software development. I have developed software on Microsoft, Unix (various vendors), Linux, and other less popular operating systems.

I would like to comment on the Proposed Final Judgement in Uniteed States vs. Microsoft.

I am deeply troubled and firmly convinced that the remedies proposed will not halt the anti-competitive behaviors of Microsoft.

I support and am a signatory of the open letter
http://www.kegel.com/remedy/letter.html.

While I support and defend any software manufacturer's right to improve and develop new software, this right does not include intentional efforts to limit the marketplace from providing improvements and extensions.

The Settlement includes definitions that are so specific as to limit the effective timespan of the remedies. Specifically, "Windows Operating System Product" and "Microsoft Middleware Product" only apply to Microsoft's current operating system products. "API" is limited to stated Windows Operating System and Microsoft Middleware Products. Microsoft can evade these definitions by developing new products such as .NET, based upon new API's. Furthermore, the definitions do not include a broad enough coverage of Microsoft's products.

I want the Settlement to include any operating system sold by Microsoft, now and in the future, that uses, supports, or refers to "Windows" technology.

I want the definition of the operating system confined to the minimal set of software necessary to enable Current Off The Shelf (COTS) products to function. The operating system does not include any software capable of productive value; It is a service-enabling and application-enabling product only.

I want the notion of "middleware" to be discarded. The middleware products in the settlement are applications. Microsoft has chosen to bundle applications in its operating system products. None of those applications are necessary to the function of the operating system.

I want Microsoft to agree to sell and price the operating system separately from the applications. This does not limit Microsoft from also selling bundled application packages at no extra cost.

I want Microsoft to not prohibit in license or execution its products or associated redistributable components from being executed other than with a homogeneous Microsoft platform. For example, Microsoft may choose to not support Outlook from executing on Linux, but it shouldn't prohibit a license holder from doing so.

I want Microsoft to publicize API changes no later than making available any version of application or operating system that supports or uses that API.

I want the definition of API to include file formats that are supported by more than one Microsoft middleware(sic) or application product.

I want for Microsoft to publicize all API's created or changed for any middleware(sic) or application sofware it makes widely available.

I want for Microsoft to publicize which software patents relate to which of its products. I am restricted from safely exercising my software development skills because I do not know when I am alledgedly violating a patent.

I want Microsoft to stop its practice of relating sofware licenses for different products. An application product's license should not specify how the operating system product license may be used or which license must also be purchased - one product, one license.

I want Microsoft to be restricted from collecting product data loaded on a computer when validating its operating system or application software licenses.

I want Microsoft to be restricted from making its software products unuseable or limited without license validation.

The enforcement of the settlement does not support small businesses for whom a long legal battle will destroy the business. I want a fast-track review of complaints with a quick arbitration and settlement. Microsoft should pay for this for the next five years.

The public interest is not served by yet another ineffective settlement with Microsoft. The Proposed Final Judgement will be ineffective.

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